



Minutes
Town of Lake Park, Florida
Regular Commission Meeting
December 19, 2007 7:46 p.m.
Town Commission Chambers, 535 Park Avenue

The Town Commission met for the purpose of a Regular Commission Meeting on Wednesday, December 19, 2007 at 7:46 p.m. Present were Mayor Castro, Commissioners Balius, Carey, and Osterman, Town Manager Maria Davis, Attorney Thomas Baird, and Town Clerk Vivian Mendez. Vice-Mayor Daly was absent.

Vivian Mendez led the Invocation.

Commissioner Balius led the Pledge of Allegiance.

Town Clerk Vivian Mendez performed the Roll Call.

ADDITIONS/DELETIONS/APPROVAL OF AGENDA

None

Motion: A motion was made by Commissioner Balius to approve the Agenda; Commissioner Carey made the second.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly		Absent	
Mayor Castro	X		

Motion passed 4-0.

PRESENTATION

Florida Chapter of the American Planning Association's FAPA Position on the Home Town Democracy Initiative Presented by Kim Castro

Kim Castro, President Elect of Florida American Planners Association gave a Power Point presentation (see Exhibit "A") a proposed Constitutional Amendment.

Ms. Castro explained the organization and its function. She explained why FAPA was opposed to Hometown Democracy Initiative. She gave an example of a petition that was being circulated and referenced an Amendment to Article II Section 7 Natural Resources and Scenic Beauty of the Florida Constitution. She explained that the amendment had nothing to do with natural

resources and was very misleading. She stated and explained the reservations and issues that the initiators of the amendment have with Palm Beach County. She reviewed a list of the purposes for the amendment and its issues (see Exhibit "A"). She explained FAPA's position on Hometown Democracy and stated that FAPA strongly opposed efforts to require referenda for Comprehensive Plan Amendments. She explained the reasons why the Hometown Democracy Amendment would not lead to better land use decisions. She continued to explain why Comprehensive Plans would need amending. She explained and listed the reasons why the Hometown Democracy Amendment would not protect natural resources, wetlands, and beaches (see Exhibit "A") She explained how the amendment would impact the ability to provide essential services and facilities and why it would not reduce the influence of special interests. She reviewed a list of alternatives and suggested actions against Hometown Democracy.

Ms. Castro thanked the Commission for their time and for allowing her to make the presentation.

Mayor Castro explained that FAPA was comprised of a wide range of public sector employees from state, federal, and local agencies. He expressed concern there would be a lot of unforeseen consequences should the Amendment to Article II Section 7 Natural Resources and Scenic Beauty of the Florida Constitution pass.

Commissioner Osterman asked what FAPA was doing to get the word out.

Ms. Castro stated that she was trying to get the word out to the members of FAPA and urge planners to share the same Power Point presentation with their Planning and Zoning Boards and elected officials. There were people who volunteered to speak on the subject throughout the state.

Commissioner Osterman asked if there would be an ad campaign.

Ms. Castro stated that there was a local group being established through the Floridians for Smart Growth to coordinate activities and raise money for ads and campaigns.

PUBLIC and OTHER COMMENT

None

COMMENTS BY COMMISSION, TOWN MANAGER, TOWN ATTORNEY

Commissioner Osterman stated that her cell phone would be on for the entire meeting. Her son was ill at home with a fever and should she receive a call she would need to leave the meeting.

Mayor Castro wished everyone a Happy Holiday.

Commissioner Balius wished everyone a Happy Holiday.

Commissioner Carey stated that he was proud of what had been accomplished for the Town in 2007 and looked forward to doing more in 2008. He wished everyone a Happy Holiday.

Vice-Mayor Daly

Absent

Town Attorney Thomas Baird wished everyone a Happy Holiday and Happy New Year.

Town Manager Maria Davis introduced Michael Kennelly as the Town's new Library Director. She stated that the Marina would be closed on Christmas Eve and Christmas Day. She asked Marina Director Michael Pisano to update the Commission on upcoming events at the Marina.

Marina Director Michael Pisano stated that commencing in the month January the Marina will host a Sunset Party Social Gathering on the last Friday of every month. The gatherings would be from 5 pm to 7 pm and will include entertainment. He invited the Commission Members, staff, Marina guests and the residents of Lake Park to attend the Sunset Party. He stated that he was in the process of acquiring sponsors for the events. He stated that there was a venture between the Lake Park Marina and Master Craft Ski Boats. Master Craft Ski Boats is a high end manufacturer of ski boats and wakeboarding. They officially designated the Lake Park Marina as their new South Florida Marina Facility. The Town will benefit from the numerous dockage and fuel revenue and be included in their magazine write ups and promotional videos. The first boat had arrived Monday and a photo shoot was scheduled for the upcoming weekend at the Marina. He stated that the company was in very popular boating magazines.

He announced that the Greater Palm Beach Offshore 440 Fishing Tournament will take place on May 16th through the 18th, 2008. He stated that the Friends of the 440 Scholarship Fund will be presenting the event. The event will generate approximately \$250,000 in revenue for the Town and the Marina will realize approximately \$15,000 in revenue. He stated that he will work diligently to promote future events at the Marina and place the Marina on the map.

Commissioner Osterman thanked Marina Director Michael Pisano for his updates on the Marina.

Mayor Castro thanked Marina Director Michael Pisano and Town Manager Maria Davis for their work on the Marina events.

Town Manager Maria Davis announced that the Angelo Gelzine Foundation will be hosting their first annual Christmas Meal Giveaway at Kelsey Park on Christmas Day from 8 a.m. to 2 p.m. She stated that the Palm Beach Post recognized three restaurants with awards in the Town of Lake Park. Entre Nous won the Best New Restaurant Award for 2007 and the Best Appetizer Award for its potato skins. The Carving Station won the Best Value Award and Simply Marias won the Best Takeout Award and the Best Tasting Cookie Award. She applauded the restaurants for their awards.

CONSENT AGENDA:

1. Regular Commission Meeting Minutes of November 7, 2007
2. Regular Commission Meeting Minutes of November 28, 2007
3. Regular Commission Meeting Minutes of December 5, 2007
4. Resolution No. 83-11-07 Marina Timber Mooring Piling Bid Award
5. Award Contract for Replacement of Selected Sidewalk Slabs to S&F Construction Utilizing Palm Beach County School Board Bid #03C-75A for a Total Cost of \$19,756.23
6. Notification of Emergency Purchase Order to Construct a Plywood and Carpet Covering for the Brick over Walkway Adjacent to the Seawall at the Marina

7. Resolution No. 93-12-07 Community Development Block Grant (CDBG) for Alleyway Project

Public Comment Open.

None

Public Comment Closed.

Motion: A motion was made by Commissioner Balias to approve the Consent Agenda; Commissioner Osterman made the second.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balias	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly		Absent	
Mayor Castro	X		

Motion passed 4-0.

PUBLIC HEARING(S)

ORDINANCE ON 2ND READING

ORDINANCE NO. 30-2007 – Amending Chapter 30 to Add Additional Parking Prohibitions and Regulation to be Consistent with State Uniform Traffic Control Law
AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF LAKE PARK, CHAPTER 30, ENTITLED “TRAFFIC AND MOTOR VEHICLES”, ARTICLE I, “IN GENERAL”, SECTION 30-2 ENTITLED “PROHIBITED PARKING”; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Public Comment Open.

None

Public Comment Closed.

Motion: A motion was made by Commissioner Carey to approve the Ordinance No. 30-2007 upon 2nd reading; Commissioner Balias made the second.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balias	X		

Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly		Absent	
Mayor Castro	X		

Motion passed 4-0.

Attorney Thomas Baird read Ordinance No. 30-2007 by caption-only.

ORDINANCES ON 1ST READING

ORDINANCE NO. 31-2007 – Twiggs Learning Tree Child Care Property

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AMENDING THE FUTURE LAND USE MAP (“FLUM”) OF THE COMPREHENSIVE PLAN OF THE TOWN OF LAKE PARK, FLORIDA TO CHANGE THE FUTURE LAND USE DESIGNATION OF A 1.384 ACRE PROPERTY GENERALLY LOCATED ON THE NORTHEAST CORNER OF 10TH STREET AND SILVER BEACH ROAD WITHIN THE TOWN OF LAKE PARK FROM “RESIDENTIAL MEDIUM DENSITY” TO “COMMERCIAL”; PROVIDING DIRECTIONS TO THE TOWN CLERK FOR THE TRANSMITTAL OF THE AMENDMENT TO THE DEPARTMENT OF COMMUNITY AFFAIRS AND OTHER PARTIES PURSUANT TO SECTION 163.3184(3), FLA. STAT. (2007); PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY

Community Development Director Patrick Sullivan explained that Mr. Twiggs was in the process of expanding his daycare facility. It was discovered that the Comprehensive Plan did not allow for any commercial uses in residential areas and Mr. Twiggs was not able to proceed. Mr. Twiggs had spent thousands of dollars on plans and was directed by previous staff that misinformed him of the allowances in the Comprehensive Plan. Mr. Sullivan explained that he came up with a plan that would enable Mr. Twiggs to use the corner of 10th St. for his daycare facility.

Mayor Castro asked what property was on the east side directly abutting Mr. Twiggs’ property.

Community Development Director Patrick Sullivan stated that the property on the east side of Mr. Twiggs’ property was a four unit complex and there was a vacant lot on the north side. The west side of the property is all commercial/industrial.

Mayor Castro asked if Mr. Twiggs was there for the meeting.

Community Development Director Patrick Sullivan stated that Mr. Twiggs was not present because he was ill. He stated that Mr. Twiggs would be present for the second meeting.

Commissioner Balius stated Ordinance No. 31-2007 would bring Mr. Twiggs’ property into compliance.

Public Comment Open.

None

Public Comment Closed.

Motion: A motion was made by Commissioner Balius to approve Ordinance No. 31-2007; Commissioner Carey made the second.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly		Absent	
Mayor Castro	X		

Motion passed 4-0.

Attorney Thomas Baird read Ordinance No. 31-2007 by caption-only.

ORDINANCE NO. 32-2007 – Text Change in the C1 District for Instructional Studios
AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 78, ARTICLE I, SECTION 78-2 ENTITLED “DEFINITIONS” TO ADD THE DEFINITION OF “INSTRUCTIONAL STUDIO”; AMENDING ARTICLE III, SECTION 78-71 ENTITLED “C-1 BUSINESS DISTRICTS” TO ALLOW INSTRUCTIONAL STUDIOS AS A PERMITTED LAND USE; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Public Comment Open.

Asa Kenna, 5220 Hood Rd., Suite 101, Lake Park - stated that he would be available for questions.

Public Comment Closed.

Community Development Director Patrick Sullivan explained that the Ordinance was to change provisions in the C-1 District to include instructional studios. He stated that a property owner on Northlake Blvd. was having trouble renting out their building as a Martial Arts studio. He stated that the C-1 District currently did not allow instructional studios.

Motion: A motion was made by Commissioner Balius to approve Ordinance No. 32-2007; Commissioner Carey made the second.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balias	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly		Absent	
Mayor Castro	X		

Motion passed 4-0.

Attorney Thomas Baird read Ordinance No. 32-2007 by caption-only.

QUASI-JUDICIAL HEARINGS

RESOLUTION NO. 92-12-07 – Lake Park Business Center

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA APPROVING A SITE PLAN FOR A 123,100 SQUARE FOOT OFFICE/WAREHOUSE BUSINESS PARK, CONSISTING OF 24,620 SQUARE FEET OF OFFICE SPACE AND 98,480 SQUARE FEET OF WAREHOUSE SPACE, ON 10.55± ACRES AT 1100 OLD DIXIE HIGHWAY, AND GENERALLY LOCATED WEST OF OLD DIXIE HIGHWAY BETWEEN GATEWAY ROAD AND WATERTOWER ROAD IN THE TOWN OF LAKE PARK, FLORIDA, AND WHICH IS LEGALLY DESCRIBED IN EXHIBIT “A” ATTACHED HERETO; AND PROVIDING FOR AN EFFECTIVE DATE.

Ex-parte communication was declared as follows:

Mayor Castro – none

Vice-Mayor Daly – absent

Commissioner Balias – none

Commissioner Osterman – none

Commissioner Carey – none

Town Clerk Vivian Mendez swore in all witnesses.

Community Development Director Patrick Sullivan stated that Resolution No. 92-12-07 was for a proposed office warehouse at 1100 Old Dixie Hwy.

Frank Maroney with Environment Design Group gave a presentation of the site plan for the warehouse at 1100 Old Dixie Hwy. He showed the Commission the dumpster locations for the buildings and stated that they would be totally enclosed and surrounded by landscaping. He showed the Commission a drawing of the two elevations for the proposed warehouse.

Discussion ensued between Mr. Maroney and the Commissioners regarding the specifications of the site plan.

Mr. Maroney stated that directional signage and turning radiuses would be provided for large trucks.

Commissioner Carey asked how many trucks could fit in the loading area at one time.

Mr. Maroney stated that there were two large loading births for large trucks.

Mayor Castro asked Community Development Director Patrick Sullivan if the storage of commercial vehicles would be prohibited on the property.

Community Development Director Patrick Sullivan stated that storage of commercial vehicles was not prohibited on the property.

Mayor Castro directed Community Development Director Patrick Sullivan to make the prohibition of storing commercial vehicles a condition on the site plan.

Mr. Maroney stated that he had received new architectural guidelines from the Town and has addressed the criteria.

Public Comment Open.

None

Public Comment Closed.

Motion: A motion was made by Commissioner Carey to approve Resolution No. 92-12-07; Commissioner Balius made the second.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly		Absent	
Mayor Castro	X		

Motion passed 4-0.

RESOLUTION NO. 94-12-07 - Kohl's Department Store

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA APPROVING A SITE PLAN FOR A 98,165 SQUARE FOOT RETAIL DEPARTMENT STORE GENERALLY LOCATED ON 10.94± ACRES AT THE NORTHEAST CORNER OF CONGRESS AVENUE AND

WATERTOWER ROAD IN THE TOWN OF LAKE PARK, FLORIDA, AND WHICH IS LEGALLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; AND PROVIDING FOR AN EFFECTIVE DATE.

Ex-parte communication was declared as follows:

Mayor Castro – none
Vice-Mayor Daly – absent
Commissioner Balias – none
Commissioner Osterman – none
Commissioner Carey – none

Town Clerk Vivian Mendez swore in all witnesses.

Community Development Director Patrick Sullivan stated that Kohl's Department Store are anticipating their opening by October 2008. He stated that he enclosed a picture of the first design for the building in the Commissioner's agenda packets. He showed the Commission a picture of the new design for the building. He stated that Kohls has met the minimum standards for the project. He stated that there was an issue with security. He stated that staff wanted to make armed security as a condition but has since changed the condition to just having a security team in place for the department store. The second condition was to install a traffic light at the corner of Watertower Rd. and Congress Ave. He stated that Kohls expressed concern that they would not be able to accomplish the condition by their opening date because of the County. He recommended that if the signal was not in place at the time of opening, a bond be put in place and a temporary Certificate of Occupancy until the light is installed.

Peter Vanrens of Kinley, Horn & Associates stated that he appreciated the Commission's flexibility on the traffic signal condition. He stated that new architectural details had been added to the Kohls project. He stated that he would like to make modifications to the security plan at Kohls. He stated that CPTED (Crime Prevention Through Environmental Design) had agreed to a 32 DVR System and silent panic alarms for the cash checkout and customer service desk instead of every cashier station. He stated that they were moving forward with the traffic signal design and they designed a slight widening of Watertower Rd. at a westbound left turn lane into the department store.

Commissioner Balias asked how large the light poles would be.

Mr. Vanrens stated that they were 30 foot concrete light poles.

Commissioner Carey asked if the trellises were similar to the trellises at Target.

Mr. Vanrens stated that the trellises were similar in design to the trellises at Target.

Mayor Castro stated that he was concerned over the storage of semi-trucks on the property during the holiday season.

Community Development Director Patrick Sullivan stated that the department stores obtain permits for storing semi-trucks during the holiday season.

Mayor Castro asked if prohibiting the storage of semi-trucks during the holiday season could be made a condition. He recommended that Kohls have the same storage conditions as Wal-Mart.

Discussion ensued between the Commissioners and Mr. Vanrens regarding storage conditions for Kohls.

Dave Devost from Kohls explained that truck trailers are kept in the truck bays. He stated that a 12 foot screen wall could be constructed. All trucks typically unload during second shift. He stated that he did not know what Wal-Marts requirements were and he could not agree to them without knowing them. He stated that Kohls does not typically store trailers on the property except for two trailers in the loading bay.

Public Comment Open.

None

Public Comment Closed.

Motion: A motion was made by Commissioner Balius to approve Resolution No. 94-12-07; Commissioner Carey made the second.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly		Absent	
Mayor Castro	X		

Motion passed 4-0.

RESOLUTION NO. 95-12-07 – Special Exception Westpoint Industries, Inc.
A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, APPROVING THE APPLICATION OF WESTPOINT INDUSTRIES, INC., FOR A SPECIAL EXCEPTION FOR A 8,325 SQUARE FOOT MACHINERY, SALES AND MANUFACTURING USE, LOCATED IN UNITS 101, 105, 108, AND 109 AT 1300 OLD DIXIE HIGHWAY IN THE C-4 COMMERCIAL ZONING DISTRICT; AND ESTABLISHING AN EFFECTIVE DATE.

Ex-parte communication was declared as follows:

Mayor Castro –
Vice-Mayor Daly – none
Commissioner Balius –
Commissioner Osterman – none

Commissioner Carey – none

Town Clerk Vivian Mendez swore in all witnesses.

Community Development Director Patrick Sullivan stated that the building was currently non-compliant. The owner wants to expand his building and the Resolution would bring the expansion and property into compliance.

Doug Buck owner of the building stated that his tenant was a precision machinist and has been in the Town since 1984. He explained how he went to Town Staff and the Planning & Zoning Board for a Special Exception for expansion. He stated that his tenant had a great operation and has been a good tenant.

Public Comment Open.

None

Public Comment Closed.

Motion: A motion was made by Commissioner Balius to approve Resolution No. 95-12-07; Commissioner Osterman made the second.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly		Absent	
Mayor Castro	X		

Motion passed 4-0.

Discussion and Possible Action

Establishing a Storm Water Utility

Town Manager Maria Davis stated that the Town was currently using gaskats to maintain the road and storm water infrastructure. She stated that the current system was inadequate to properly maintain the road and storm water infrastructure. Public Works currently cleans out the catch basins and does some street sweeping. The Town had updated its Storm Water Master Plan in 1999 and at that time the total dollar amount of needed infrastructure was 6.8 million dollars. She stated that today approximately 10 million dollars would be needed and there is no allowable means to fund the Town's storm water improvements. She stated that there were very few municipalities in the state that do not have a storm water utility. The Town has many needs, and is far behind in infrastructure maintenance and improvements. She recommended beginning measures to establish a storm water utility. She explained that every property owner in the Town would be assessed a fee based on the amount of impervious surface on their parcels. The impact

to residential properties would be approximately three to five dollars per month. She recommended placing the assessment on the property tax bill and the Town has already received approval from the Tax Assessor's office and we are still awaiting approval from the Property Appraisers Office.

Commissioner Balius stated that this issue was brought before the Commission in 1999 and the Mayor at the time did not approve it. He recommended that there be a separate storm water maintenance fund.

Public Comment Open.

None

Public Comment Closed.

Motion: A motion was made by Commissioner Osterman to authorize staff to establish Storm Water Utility; Commissioner Balius made the second.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly		Absent	
Mayor Castro	X		

Motion passed 4-0.

Referendum Question on March 08 Ballot to Finance the Downtown Alleyway Improvement Project Utilizing Tax Increment Financing (TIF) Funds for Debt Service

Public Comment Open.

None

Public Comment Closed.

Motion: A motion was made by Commissioner Osterman to approve the Referendum Question on March 08 Ballot to Finance the Downtown Alleyway Improvement Project Utilizing Tax Increment Financing (TIF) Funds for Debt Service; Commissioner Balius made the second.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner			

Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly		Absent	
Mayor Castro	X		

Motion passed 4-0.

Referendum Question for March 08 Ballot to Abolish the Merit System in the Town's Charter

Public Comment Open.

None

Public Comment Closed.

Motion: A motion was made by Commissioner Balius to approve the Referendum Question for March 08 Ballot to Abolish the Merit System in the Town's Charter; Commissioner Carey made the second.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly		Absent	
Mayor Castro	X		

Motion passed 4-0.

ADJOURNMENT

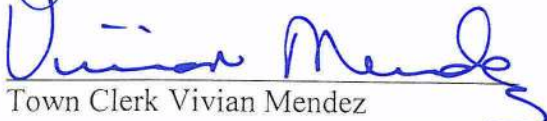
There being no further business to come before the Commission and after a motion to adjourn by Commissioner Osterman and seconded by Commissioner Balius, and by unanimous vote, the meeting adjourned at 9:10 p.m.



Mayor Castro



Deputy Clerk Jessica Shepherd



Town Clerk Vivian Mendez

Town Seal



Approved on this 6 of February 2008.



Hometown Democracy

*“Referenda Required for Adoption and Amendment of
Local Government Comprehensive Land Use Plans”*

Don't Be Fooled

Florida Chapter American Planning Association
October, 2007



104 135 - A person who knowingly signs a petition or petitions for a candidate, minor political party, or an issue more than one time commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083

CONSTITUTIONAL AMENDMENT PETITION FORM

I am a registered voter of Florida and hereby petition the Secretary of State to place the following amendment to the Florida Constitution on the ballot in the next general election.

I AM REGISTERED TO VOTE IN _____ COUNTY.

NAME _____ STREET ADDRESS _____
Please PRINT Name as it appears on Voter ID Card PRINT Current Physical Address (NO PO BOXES)

CITY _____, FL ZIP _____, USA COUNTY _____
(County of residence)

IS THIS A CHANGE OF ADDRESS FOR VOTER REGISTRATION IN SAME COUNTY? Yes ___ No ___

VOTER REGISTRATION NUMBER _____ -or- DATE OF BIRTH ____/____/____
Month Day Year

X SIGNATURE AS IT APPEARS ON VOTER I.D. CARD _____ DATE SIGNED _____

BE IT ENACTED BY THE PEOPLE OF FLORIDA THAT:

Article II, Section 7. Natural resources and scenic beauty of the Florida Constitution is amended to add the following subsection:

Public participation in local government comprehensive land use planning benefits the conservation and protection of Florida's natural resources and scenic beauty, and the long-term quality of life of Floridians. Therefore, before a local government may adopt a new comprehensive land use plan, or amend a comprehensive land use plan, such proposed plan or plan amendment shall be subject to vote of the electors of the local government by referendum, following preparation by the local planning agency, consideration by the governing body as provided by general law, and notice thereof in a local newspaper of general circulation. Notice and referendum will be as provided by general law. This amendment shall become effective immediately upon approval by the electors of Florida.

For purposes of this subsection:

1. "Local government" means a county or municipality.
2. "Local government comprehensive land use plan" means a plan to guide and control future land development in an area under the jurisdiction of a local government.
3. "Local planning agency" means the agency of a local government that is responsible for the preparation of a comprehensive land use plan and plan amendments after public notice and hearings and for making recommendations to the governing body of the local government regarding the adoption or amendment of a comprehensive land use plan.
4. "Governing body" means the board of county commissioners of a county, the commission or council of a municipality, or the chief elected governing body of a county or municipality, however designated.

Serial Number 05-18

Date Approved June 21, 2005

Return to:
Florida Hometown Democracy, Inc.,
P.O. Box 636
New Smyrna Beach, FL 32170-0636

www.FloridaHometownDemocracy.com
phone: (888) 779-5513
email: info@floridahometowndemocracy.com

PLEASE DONATE! Contributions should be made payable to "Florida Hometown Democracy, Inc."

pd.pol.adv. Florida Hometown Democracy, Inc.

Florida Hometown Democracy, Inc.

- A reaction to rapid, statewide growth; loss of trust in local government
- Will impede implementation of community visions and good planning
- Over-simplifies complex land use planning issues; and
- Could result in the inability of a local government to provide essential community services
- Needs 611,009 signatures by February 1, 2008
- October 1, 2007 = 331,060



FAPA Position

- FAPA strongly opposes efforts to require referenda for comprehensive plan amendments
- FAPA believes that approval of comprehensive plans by referenda will not produce better land use decisions
- The use of referenda is not an effective growth management tool
- FAPA believes that the use of referenda is the wrong approach to solving existing public involvement concerns
- The “Hometown Democracy” message is misleading



Hometown Democracy will not lead to better land use decisions

- The “big picture” viewpoint will be lost; staff and elected officials are responsible for the well-being of the entire community
- Citizens do not get involved on issues with community-wide implication
- Only amendments recommended for approval would go to referenda
- The power of money will be greater; radio, TV, newspapers, billboards, etc.

Existing comprehensive plans will need amending

There is always room for improvement

- Good planning is a “continuous and on-going process.” (EARs every 7 years)
- Amendments keep plans current; urban design, historic preservation, transportation, environmental protection
- Amendments are needed to address concurrency issues: fire stations, schools, transportation, water treatment plants
- Amendments address policies on attainable or elderly housing, social service facilities

Hometown Democracy will not protect natural resources, wetlands and beaches

- Proponents are feeding on the citizens' emotions and desires for preservation
- The amendment would not create new conservation lands
- The amendment would not remove existing development rights
- The amendment does not protect beaches, wetlands and natural areas

The amendment will impact the ability to provide essential services and facilities

- Public facilities such as sewer and water plants, fire stations and schools are community needs, but NIMBYs
- Affordable housing, nursing homes, churches and social service facilities already face opposition as (LULUs, NIMBYs)
- Voters will rely on sound bites, rumors and special interest advertising campaigns
- Comprehensive plan amendments become popularity contests, not a thoughtful, deliberative process

Hometown Democracy will not reduce the influence of special interests

- Aggressive public relations and media campaigns will sway the electorate on planning issues.
- The cost of amendments would go up, favoring the better-financed petitioner.
- The disenfranchised would be at an extreme disadvantage.
- Envision this:
 - Who will pay for the cost of a public information campaign either for or against a proposed referendum?
 - Will billboards line the roads asking for the public's support or opposition to an amendment?

Alternatives to Hometown Democracy

- Mandate elected official accountability: justify/audit land use decisions that are contrary to publicly documented professional staff recommendations
- Develop public outreach programs: there are significant public participation opportunities in the current law
- Mandate more stringent public involvement requirements
- Mandate better public participation procedures:
 - Require evening hearings
 - Require direct notifications
 - Require neighborhood meetings before final hearings

Recommended Actions

- *Do not sign the Hometown Democracy Petition*
- *Encourage your Governmental Body to adopt a Resolution opposing Hometown Democracy*
- *Vote NO on the Constitutional Amendment*
- *Inform community organizations, neighborhood associations of the unintended consequences of Hometown Democracy*
- *Encourage major employers to advise their employees*
- *Establish better, stronger, more effective public participation processes*

Hometown Democracy

*“Referenda Required for Adoption and Amendment of
Local Government Comprehensive Land Use Plans”*

Don't Be Fooled

Florida Chapter American Planning Association
October, 2007

